

17-18899 January 19, 2018 JPS/JJB:cm
Attorneys for Defendants, Allstate Property and Casualty Insurance
Company and Allstate Fire and Casualty Insurance Company

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OHIO

JANNIE BARTON	:	CASE NO. 3:18-cv-255
Plaintiff.	:	
vs.	:	
ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY	:	
	:	
ALLSTATE FIRE & CASUALTY INSURANCE COMPANY	:	
	:	
OCWEN LOAN SERVICING LLC	:	
	:	
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS) solely as nominee for PEOPLE'S CHOICE HOME LOAN, INC.	:	<u>DEFENDANT'S NOTICE OF REMOVAL</u>
	:	
HSBC BANK USA, NATIONAL ASSOCIATION as indenture Trustee for PEOPLE'S CHOICE HOME LOAN SECURITIES TRUST SERIES 2005-2 at OCWEN LOAN SERVICING LLC	:	
	:	
PEOPLE'S CHOICE HOME LOAN, INC.	:	
	:	
ALLY	:	
	:	
Defendants.	:	
	:	

Come now Defendants, Allstate Vehicle and Property Insurance Company and Allstate Fire and Casualty Insurance Company ("Allstate"), and hereby give notice pursuant to 28 U.S.C. §1441 of removal of this action from the Lucas County Court of Common Pleas, Case No. G-

4801-CI-0201705238-000, to the United States District Court for the Northern District of Ohio, for the following reasons:

1. Venue is proper in the United States District Court for the Northern District of Ohio, because the underlying state court case was filed in Lucas County, Ohio.

2. Based on the allegations and representations made within the Plaintiff's Complaint, the amount in controversy in this lawsuit exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

3. Upon information and belief, the Plaintiff, Jannie Barton, is considered a citizen of the State of Ohio.

4. Defendants are incorporated under the laws of the state of Illinois, with principal places of business in Chicago, Illinois, but are also authorized to and do conduct business in the state of Ohio. At no time have Defendants been organized under the laws of the state of Ohio, nor have they ever maintained their principal place of business within the state of Ohio.

5. As there is complete diversity of citizenship between Plaintiff and Defendants, and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, this is a case subject to the original jurisdiction of this Court under 28 U.S.C. §1332.

6. Per information and belief, and as listed on the Plaintiff's Complaint, none of the Co-Defendants are incorporated in or have their principal places of business in Ohio:

- Ocwen Loan Servicing LLC is incorporated in and is based in the state of Florida.
- Mortgage Electronic Registration Systems, Inc. is incorporated in the state of Delaware and is based in the state of Virginia.
- HSBC Bank USA, National Association is based in the state of Virginia.

- People's Choice Home Loan, Inc. is incorporated in the state of Delaware and is based in the state of California.
- Ally Financial LLC is incorporated in and is based in the state of Minnesota.

7. Plaintiff's Complaint was filed on December 28, 2017, in Lucas County Court of Common Pleas, and Defendants were served via certified mail on January 3, 2018.

8. This Notice of Removal is being filed within thirty (30) days of service of Plaintiff's Complaint on Defendants.

9. This case may be removed to the U.S. District Court for the Northern District of Ohio pursuant to the provisions of 28 U.S.C. §1441 and 28 U.S.C. §1446.

10. A complete copy of the record of the Lucas County Court of Common Pleas, Case No. G-4801-CI-0201705238-000 is attached to this Notice of Removal as **Exhibit "A" and "B"** as required by 28 U.S.C. §1446(A).

11. In compliance with 28 U.S.C. §1446(A), Defendants have also provided written notice of the Notice of Removal to the Clerk of Courts for the Lucas County Court of Common Pleas, a copy of which is attached to this Notice of Removal as **Exhibit "C"**.

12. Defendants have also given written notice of this Notice of Removal to Plaintiff by sending a copy to her counsel of record.

Respectfully submitted,

/s/ J. Patrick Schomaker, Esq.

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*Attorneys for Defendants, Allstate Property and
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Notice of Removal was served this 1st day of February, 2018, via electronic/regular mail, upon the following:

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Defendant

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Defendant

HSBC Bank USA, National Association
1661 Worthington, Suite 100
West Palm Beach, Florida 33409
Defendant

People's Choice Home Loan, Inc.
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Irvine, California 92618
Defendant

/s/ J. Patrick Schomaker, Esq.

J. Patrick Schomaker, Esq.